

South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

and

Charleston District, Army Corps of Engineers
69-A Hagood Avenue
Charleston, South Carolina 29403

March 19, 2014
Joint Permit Application Public Notice
Kinder Morgan Bulk Terminals, 2008-01871-2IR(14)

The Department has received an application for a permit for the alteration of a critical area. The application was submitted pursuant to the Coastal Zone Management Act (Act 123) of 1977 South Carolina General Assembly. The application in brief, is described as follows:

LOCATION: On and adjacent to Cooper River at 5165 Virginia Avenue, North Charleston, Charleston County, South Carolina.
TMS: 502-09-00-004.

WORK: The work as proposed consist of dredging. Specifically, the applicant seeks to dredge 32,000 cubic yards of material from a 2.3 acre area. The dredge material will be hydraulically dredge to a project depth of -45.0' MLW with a 2' over depth for a total 17' MLW. The dredge material will be pumped into Clouter Creek CDF. The work as described is for maintaining safe operating depths at all tidal stages for deep draft vessels using the Kinder Morgan facility.

This public notice is being distributed to all known interested persons and agencies to assist in developing facts on which a decision by the Department can be based. Comments concerning the proposed work must be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

Comments regarding this application must be received by the Department on or before **April 18, 2014**. For more information, please contact:
Steve Brooks at 843-953-0235 or via email at brookss@dhec.sc.gov.

NOTE: Plans depicting the proposed work are available and will be provided upon receipt of a written request or may be viewed on the Department website at www.scdhec.gov/environment/ocrm/public_notice.htm.

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N #2008-01871-2IR (14)

March 7, 2014

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

KINDER MORGAN TERMINALS
ATTN: CRAIG MULLINS
1500 GREENLEAF ROAD
CHARLESTON, SOUTH CAROLINA 29405

for a permit to perform maintenance dredging in the

COOPER RIVER

at Kinder Morgan North Charleston Terminal at 5165 Virginia Avenue, North Charleston, Charleston County, North Charleston, South Carolina.
(Latitude: 32.887027; Longitude: -79.966652).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the Corps until

15 Days from the Date of this Notice

and SCDHEC will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of dredging approximately 32,000 cubic yards of material initially from a 2.3 acre area in front of the wharf at the Kinder Morgan facility on Virginia Avenue. In detail, the dredged material will be hydraulically dredged to a project depth of -45.0' MLW with 2.0' of over depth for a total depth of -47.0' MLW. Subsequent annual berth maintenance dredging events are anticipated to generate approximately 15,000 cubic yards of material. The material is proposed for placement in the Clouter Creek Confined Disposal Facility via pipeline. A sampling and analysis plan was not submitted with the application; however, the applicant has

stated that sediment sampling and testing will be conducted. The dredging history at this site is unknown and therefore may include new work. The project purpose is to maintain safe operating depths at all tidal stages for deep draft vessels utilizing the Kinder Morgan facility.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 2.3 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are

not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

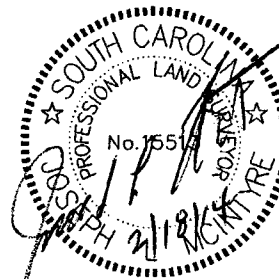
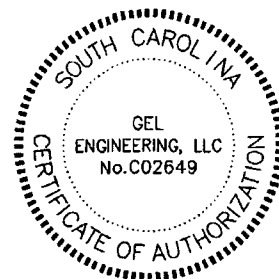
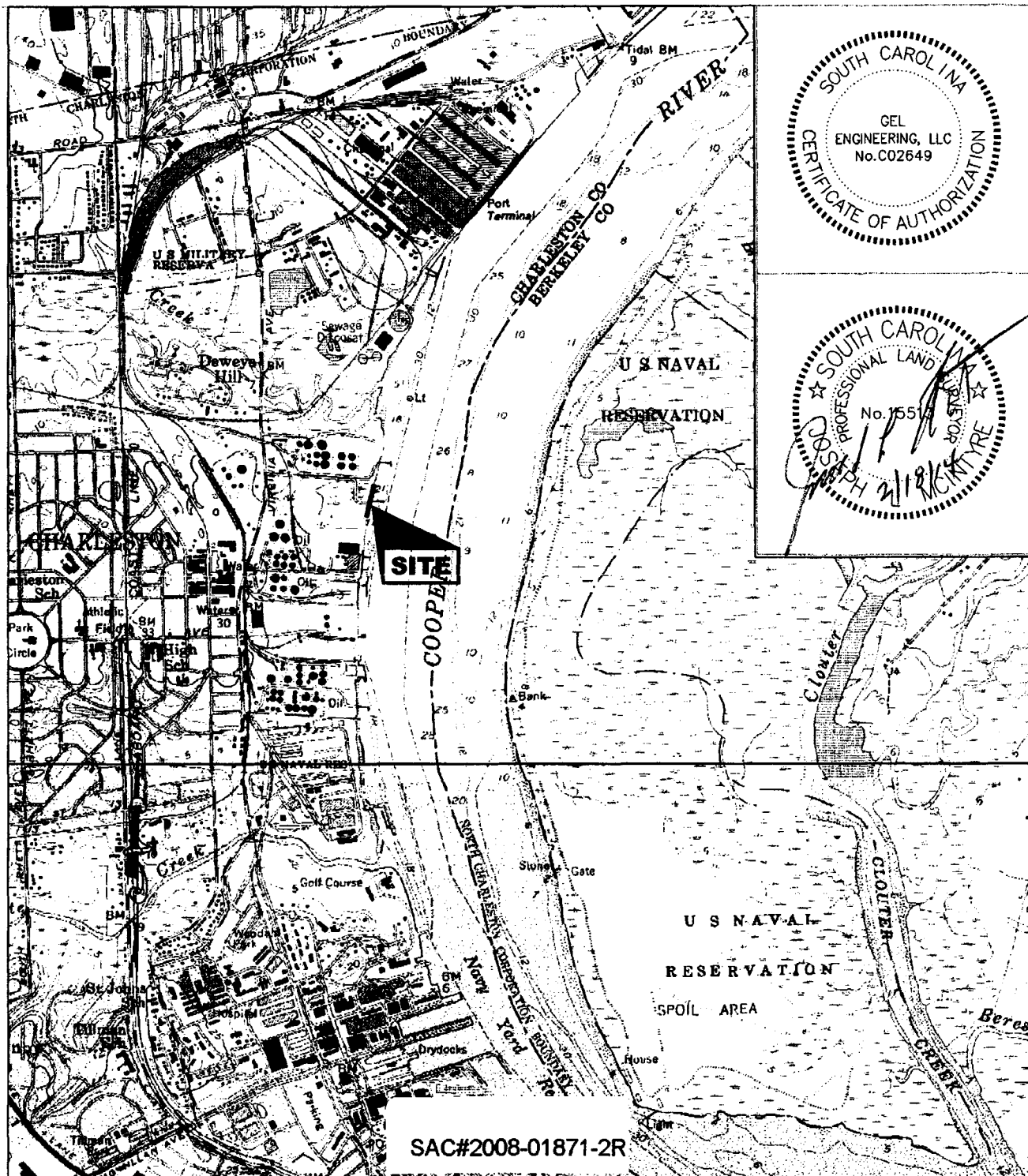
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Robin Collier-Socha at 843-329-8044 or toll free at 1-866-329-8187.

Steve Brooks
SUDHEC-DCRM
Project Manager
843-953-0235



PURPOSE: MAINTAIN SAFE OPERATING DEPTH
FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS

BUCKEYE ENERGY SERVICES, LLC
DELFIN GROUP USA, LLC

SURVEY DATUM: NGVD 29.

FIGURE 1
LOCATION MAP
USGS QUAD "CHARLESTON"
NOT TO SCALE

NORTH CHARLESTON TERMINAL
KINDER MORGAN BULK TERMINALS
CHARLESTON, SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NORTH CHARLESTON TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 4

DATE: 2/12/14



UPLAND

WALKWAY

OCRM CRITICAL
LINE (TYP.)

OCRM CRITICAL
LINE (TYPE)

NOTE: CRITICAL LINE SHOWN AS PER "MAP OF
CRITICAL LINE LOCATION SURVEY", STAMPED BY
OCRM AND DATED JULY 12, 2010.

SAC#2008-01871-2R

**PURPOSE: MAINTAIN SAFE OPERATING DEPTH
FOR DEEP-DRAFT VESSELS**

ADJACENT PROPERTY OWNERS

BUCKEYE ENERGY SERVICES, LLC
DELFIN GROUP USA, LLC

SURVEY DATUM: NAD 83.

FIGURE 2
PLAN VIEW

SCALE: 1" = 150'



NORTH CHARLESTON TERMINAL
KINDER MORGAN BULK TERMINALS
CHARLESTON, SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NORTH CHARLESTON TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

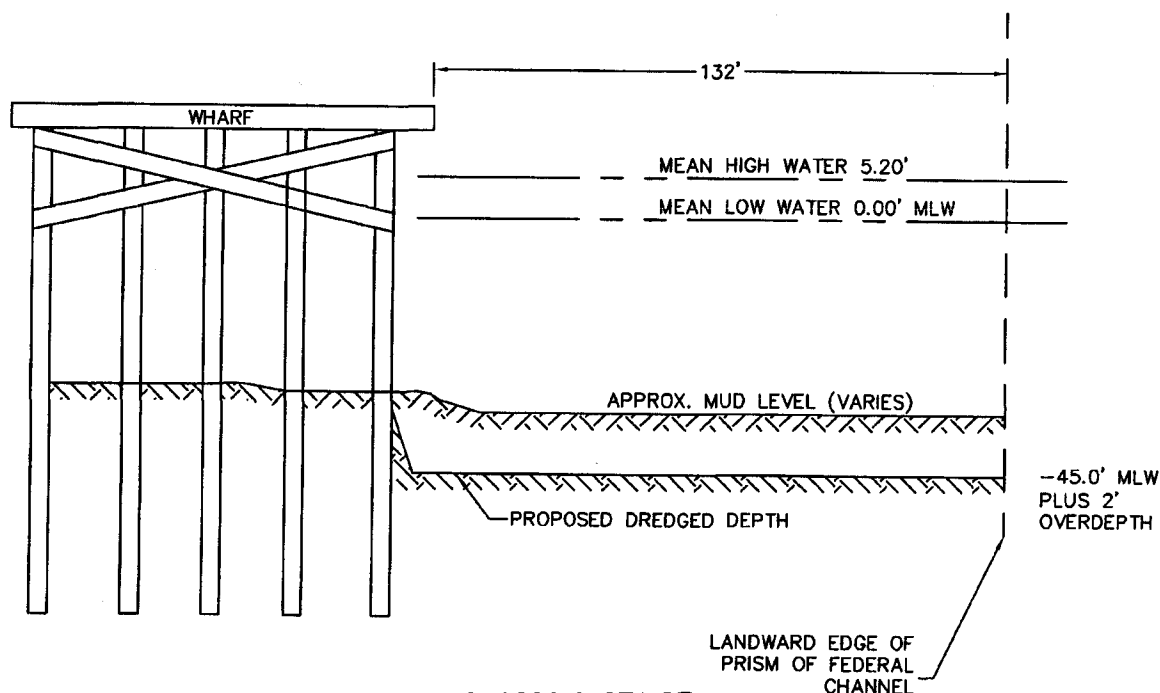
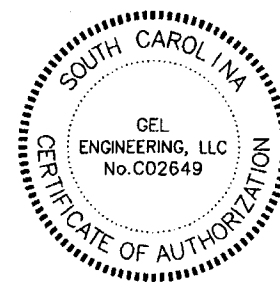
SHEET: 2 OF 4

DATE: 2/12/14

SHF00614

GEL ENGINEERING, INC.

a Member of THE GEL GROUP, INC.



SAC#2008-01871-2R

PURPOSE: MAINTAIN SAFE OPERATING DEPTH FOR DEEP-DRAFT VESSELS

ADJACENT PROPERTY OWNERS

BUCKEYE ENERGY SERVICES, LLC
DELFIN GROUP USA, LLC

REFERENCE: MLW

**FIGURE 3
CROSS-SECTION**

NOT TO SCALE

NORTH CHARLESTON TERMINAL
KINDER MORGAN BULK TERMINALS
CHARLESTON, SOUTH CAROLINA

PROPOSED: BERTH MAINTENANCE DREDGING

AT: NORTH CHARLESTON TERMINAL

IN: COOPER RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 4

DATE: 2/12/14

